

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

KARRIEM DEMOND BLACK

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Case No. 3:97cr3(2)
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 12, 2005 to determine whether the Defendant violated his supervised release. The Defendant was represented by Jose Stewart. The Government was represented by Randall Blake.

On June 9, 1998, the Defendant was sentenced by the Honorable Richard A. Schell to 60 months custody followed by a 4-year term of supervised release for the offense of Possession with Intent to Distribute Cocaine Base. On August 22, 2001, the Defendant completed his period of imprisonment and began service of his supervised term.

On July 13, 2005, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following conditions: (1) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of

each month; (2) Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer; and (3) Defendant shall pay a fine in the amount of \$1000.00.

The petition alleges that the Defendant committed the following acts: (1) Defendant failed to report to his probation officer as directed on June 6 and 20, 2005; (2) Defendant is currently in default on his fine, the current balance of which is \$405.00.

Prior to the Government putting on its case, the Defendant entered a plea of true to all of the above listed violations. At the hearing, the Court recommended that the Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months, with no supervised release to follow. It is further recommended that Defendant be ordered to pay a fine in the amount of \$405.00, due immediately, payable by cashier's check or money order, to the United States District Court and forwarded to the United States District Clerk's Office, P.O. Box 5701, Tyler, Texas 75710.

Within ten (10) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the

magistrate judge. 28 U.S.C.A. § 636(b)(1)(C).

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings and recommendations and from appellate review of factual findings accepted or adopted by the district court except on grounds of plain error or manifest injustice. *Thomas v. Arn*, 474 U.S. 140, 148 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).

SIGNED this 15th day of September, 2005.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE